



August 30, 2000

Ms. Lisa Aguilar
Assistant City Attorney
City Of Corpus Christi
P.O. Box 9277
Corpus Christi, Texas 78469-9277

OR2000-3373

Dear Ms. Aguilar:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 138552.

The City of Corpus Christi (the "city") received a request for "the water records for 510 Pasadena, Corpus Christi, Texas for the period beginning January 1, 1993 to the present." You claim that the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 excepts from required public disclosure information that is made confidential by law, including information made confidential by statute. You contend that portions of the requested records are made confidential by section 182.052(a) of the Utilities Code. Section 182.052(a) reads as follows:

Except as provided by Section 182.054, a government-operated utility may not disclose personal information in a customer's account record if the customer requests that the government-operated utility keep the information confidential.

"Personal information" means an individual's address, telephone number, or social security number. Utility Code § 182.051(4). None of the exceptions to confidentiality listed in section 182.054 is apparently applicable in this case. You inform us that the customer has requested confidentiality for the personal information. Thus, section 182.052 deems confidential the customer's address, telephone number and social security number. However, the information submitted does not contain any telephone or social security numbers. Furthermore, we cannot determine whether the address on the submitted information is the customer's address. If the address submitted is the customer's address, the city must not release the address to the requestor. Gov't Code § 552.101; *see* Open Records Decision No. 625 (1994) (construing predecessor provision). In any case, the remaining information is subject to public disclosure.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.


This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.--Austin 1992, no writ).

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Kay H. Hastings
Assistant Attorney General
Open Records Division

KHH/ljp

Ref: ID# 138552

Encl. Submitted documents

cc: Mr. Paul Dodson
Huseman & Pletcher
600 Leopard Street, Suite 2100
Corpus Christi, Texas 78473
(w/o enclosures)